

# Exhibit A

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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

D.S., a minor by and through his  
guardian *ad litem* Elsa Acosta,  
individually and as successor-in-interest  
to William Salgado; C.S., a minor by  
and through his guardian *ad litem* Elsa  
Acosta, individually and as successor-  
in-interest to William Salgado; J.S., a  
minor by and through her guardian *ad*  
*litem* Elsa Acosta, individually and as  
successor-in-interest to William  
Salgado; M.S., a minor by and through  
her guardian *ad litem* Elsa Acosta,  
individually and as successor-in-interest  
to William Salgado,

Plaintiffs,

v.

CITY OF HUNTINGTON PARK;  
NICK NICHOLS; RENE REZA;  
MATTHEW RINCON; APRIL  
WHEELER; and DOES 51 through 10,  
inclusive,

**FIRST AMENDED COMPLAINT  
FOR DAMAGES**

1. Fourth Amendment, Excessive Force (42 U.S.C. § 1983)
2. Fourth Amendment, Denial of Medical Care (42 U.S.C. § 1983)
3. Fourteenth Amendment, Interference with Familial Relations (42 U.S.C. § 1983)
4. Battery (Wrongful Death)
5. Negligence (Wrongful Death)
6. Violation of Bane Act (Cal. Civil Code §52.1)

**DEMAND FOR JURY TRIAL**

1 Defendants.

2 **COMPLAINT FOR DAMAGES**

3 D.S., a minor by and through his guardian *ad litem* Elsa Acosta, individually  
 4 and as successor-in-interest to William Salgado; C.S., a minor by and through his  
 5 guardian ad litem Elsa Acosta, individually and as successor-in-interest to William  
 6 Salgado; J.S., a minor by and through her guardian ad litem Elsa Acosta, individually  
 7 and as successor-in-interest to William Salgado; M.S., a minor by and through her  
 8 guardian ad litem Elsa Acosta, individually and as successor-in-interest to William  
 9 Salgado (collectively, “Plaintiffs”), for their Complaint against Defendants CITY OF  
 10 HUNTINGTON PARK, NICK NICHOLS, RENE REZA, MATTHEW RINCON,  
 11 APRIL WHEELER, and DOES 54-10, inclusive (collectively, “Defendants”), allege  
 12 as follows:

13 **JURISDICTION AND VENUE**

14 1. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and  
 15 1343(a)(3)-(4) because Plaintiffs assert claims arising under the laws of the United  
 16 States including 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments of the  
 17 United States Constitution. This Court has supplemental jurisdiction over Plaintiffs’  
 18 claims arising under state law pursuant to 28 U.S.C. § 1367(a), because those claims  
 19 are so related to the federal claims that they form part of the same case or controversy  
 20 under Article III of the United States Constitution.

21 2. Venue is proper in this Court under 28 U.S.C. § 1391(b) because  
 22 Defendants reside in this district and all incidents, events, and occurrences giving rise  
 23 to this action occurred in this district.

24 **INTRODUCTION**

25 3. This civil rights and state tort action seeks compensatory and punitive  
 26 damages from Defendants for violating various rights under the United States  
 27 Constitution and state law based on law enforcement officers’ fatal shooting of  
 28

1 Plaintiffs' father, William Salgado, on October 30, 2022.

2 4. Plaintiffs allege that the injuries and death of William Salgado ~~was-were~~  
 3 a result of the excessive use of less-lethal and deadly force by Defendants ~~DOES 1-~~  
 4 40NICK NICHOLS, RENE REZA, MATTHEW RINCON, APRIL WHEELER, and  
 5 DOES 5-10; and was also a result of Defendants' failure to provide reasonable medical  
 6 care to William Salgado despite William Salgado's serious medical condition after  
 7 being shot numerous times; and was a result of Defendants' deliberate indifference to  
 8 William Salgado's Constitutional rights.

### 9 PARTIES

10 5. At all relevant times, William Salgado ("DECEDENT") was an individual  
 11 residing in the County of Los Angeles, California.

12 6. Plaintiff D.S. ("D.S.") is an individual residing in the County of Los  
 13 Angeles, California and is the natural minor child of DECEDENT. D.S. sues both in  
 14 his individual capacity as the minor child of DECEDENT and in a representative  
 15 capacity as a successor-in-interest to DECEDENT pursuant to California Code of Civil  
 16 Procedure §§ 377.30 and 377.60. D.S. seeks both survival and wrongful death damages  
 17 under federal and state law.

18 7. Plaintiff C.S. ("C.S.") is an individual residing in the County of Los  
 19 Angeles, California and is the natural minor child of DECEDENT. C.S. sues both in  
 20 his individual capacity as the minor child of DECEDENT and in a representative  
 21 capacity as a successor-in-interest to DECEDENT pursuant to California Code of Civil  
 22 Procedure §§ 377.30 and 377.60. C.S. seeks both survival and wrongful death damages  
 23 under federal and state law.

24 8. Plaintiff J.S. ("J.S.") is an individual residing in the County of Los  
 25 Angeles, California and is the natural minor child of DECEDENT. J.S. sues both in  
 26 her individual capacity as the minor child of DECEDENT and in a representative  
 27 capacity as a successor-in-interest to DECEDENT pursuant to California Code of Civil  
 28 Procedure §§ 377.30 and 377.60. J.S. seeks both survival and wrongful death damages

1 under federal and state law.

2 9. Plaintiff M.S. (“M.S.”) is an individual residing in the County of Los  
3 Angeles, California and is the natural minor child of DECEDENT. M.S. sues both in  
4 her individual capacity as the minor child of DECEDENT and in a representative  
5 capacity as a successor-in-interest to DECEDENT pursuant to California Code of Civil  
6 Procedure §§ 377.30 and 377.60. M.S. seeks both survival and wrongful death  
7 damages under federal and state law.

8 10. At all relevant times, Defendant CITY OF HUNTINGTON PARK  
9 (“CITY”) is and was a duly organized public entity, form unknown, existing under the  
10 laws of the State of California. CITY is a chartered subdivision of the State of  
11 California with the capacity to be sued. CITY is responsible for the actions, omissions,  
12 policies, procedures, practices, and customs of its various agents and agencies,  
13 including the City of Huntington Park Police Department and its agents and employees.  
14 At all relevant times, Defendant CITY was responsible for assuring that the actions  
15 omissions, policies, procedures, practices, and customs of the City of Huntington Park  
16 Police Department, and its employees and agents complied with the laws of the United  
17 States of the State of California. At all relevant times, CITY was the employer of all or  
18 some of Defendant DOES 1-10.

19 11. Defendant NICK NICHOLS (“NICHOLS”) was a police officer for the  
20 CITY’s Police Department at the time of the incident. NICHOLS was acting under  
21 color of law within the course and scope of his employment with the CITY at all  
22 relevant times. NICHOLS was acting with the complete authority and ratification of  
23 his principal, Defendant CITY.

24 12. Defendant RENE REZA (“REZA”) was a police officer for the CITY’s  
25 Police Department at the time of the incident. REZA was acting under color of law  
26 within the scope of his employment with the CITY at all relevant times. REZA was  
27 acting with the complete authority and ratification of his principal, Defendant CITY.

28 13. Defendant MATTHEW RINCON (“RINCON”) was a police officer for

1 the CITY's Police Department at the time of the incident. RINCON was acting under  
2 color of law within the scope of his employment with the CITY at all relevant times.  
3 RINCON was acting with the complete authority and ratification of his principal,  
4 Defendant CITY.

5 ~~10.14.~~ Defendant APRIL WHEELER ("WHEELER") was a police officer for  
6 the CITY's Police Department at the time of the incident. WHEELER was acting under  
7 color of law within the scope of her employment with the CITY at all relevant times.  
8 WHEELER was acting with the complete authority and ratification of her principal,  
9 Defendant CITY.

10 ~~11.15.~~ Defendants DOES ~~15~~-10 are police officers for the CITY's Police  
11 Department ("DOE OFFICERS"). At all relevant times, DOE OFFICERS were acting  
12 under color of law within the course and scope of their duties as officers for the Police  
13 Department; and were acting with the complete authority and ratification of their  
14 principal, Defendant CITY.

15 ~~12.16.~~ On information and belief, Defendants NICHOLS, REZA, RINCON,  
16 WHEELER, and DOE OFFICERS were residents of the County of Los Angeles,  
17 California at all relevant times.

18 ~~13.17.~~ In doing the acts, failings, and/or omissions as hereinafter described,  
19 Defendants NICHOLS, REZA, RINCON, WHEELER, and DOE OFFICERS were  
20 acting on the implied and actual permission and consent of Defendant CITY.

21 ~~14.18.~~ The true names and capacities, whether individual, corporate, association  
22 or otherwise of Defendants DOES ~~15~~-10, inclusive, are unknown to Plaintiffs, who  
23 otherwise sue these Defendants by such fictitious names. Plaintiffs will seek leave to  
24 amend this complaint to show the true names and capacities of these Defendants when  
25 they have been ascertained. Each of the fictiously named Defendants is responsible in  
26 some manner for the conduct or liabilities alleged herein.

27 ~~15.19.~~ Defendants DOES ~~15~~-10 are sued in their individual capacities.

28 ~~16.20.~~ At all times mentioned herein, each and every Defendant, including

DOES ~~15~~-10, was the agent of each and every other Defendant and had the legal duty to oversee and supervise the hiring, conduct, employment of each and every Defendant.

~~17-21~~. All of the acts complained of herein by Plaintiffs against Defendants, including DOES ~~15~~-10, were done and performed by said Defendants by and through their authorized agents, servants, and/or employees, all of whom at all relevant times herein were acting with the course, purpose, and scope of said agency, service, and/or employment capacity. Moreover, Defendants and their agents ratified (or will ratify) all of the acts complained herein.

~~18-22~~. On or around March 15, 2023, Plaintiffs filed comprehensive and timely claims for damages with the City of Huntington Park pursuant to the applicable sections of the California Government Code. Said claims were rejected by operation of law on April 29, 2023. As of the date of the filing of this Complaint, Plaintiffs have not received any rejection or other response from the City of Huntington Park.

### **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

~~19-23~~. Plaintiffs repeat and reallege each and every allegation in the foregoing paragraphs of this Complaint with the same force and effect as if fully set forth herein.

~~20-24~~. On or about October 30, 2022, DECEDENT was at his residence located on or about the 6300 block of Malabar Street in the City of Huntington Park, California.

~~21-25~~. On information and belief, ~~DOE OFFICERS~~ NICHOLS, REZA, RINCON, WHEELER, and DOE OFFICERS arrived at the apartment complex in which DECEDENT's residence was located in response to a 911 call reporting a man armed with a gun.

~~22-26~~. On information and belief, ~~DOE OFFICERS~~ NICHOLS, REZA, RINCON, WHEELER, and DOE OFFICERS encountered DECEDENT outside of his residence and behaving erratically.

~~27~~. On information and belief, DECEDENT was not armed with a gun.

~~23-28~~. On information and belief, WHEELER escalated the situation when she fired a less-lethal 40-milimeter launcher round at DECEDENT without legal



1 justification.

2 24.29. On information and belief, DECEDENT then threw an object at an officer  
3 who was holding a ballistic shield, which successfully blocked the object.

4 25.30. On information and belief, DECEDENT then began to run away from  
5 DOE OFFICERS NICHOLS, REZA, RINCON, WHEELER, and DOE OFFICERS.

6 26.31. On information and belief, while DECEDENT was running away from  
7 DOE OFFICERS NICHOLS, REZA, RINCON, WHEELER, and DOE OFFICERS  
8 with his back facing toward DOE OFFICERS them, DOE OFFICERS opened fire with  
9 lethal and less-lethal ammunition NICHOLS fired at least one round at DECEDENT  
10 using his firearm, REZA fired at least two rounds at DECEDENT using his firearm,  
11 RINCON fired at least one round at DECEDENT using his firearm, and WHEELER  
12 fired at least one round at DECEDENT using a 40-milimeter less-lethal launcher.

13 27.32. DOE OFFICERS' NICHOLS, REZA, RINCON, and WHEELER'S shots  
14 struck DECEDENT, causing him serious physical injury, pre-death pain and suffering,  
15 and eventually killing him.

16 28.33. On information and belief, after the DOE OFFICERS NICHOLS, REZA,  
17 RINCON, and WHEELER discharged their firearms weapons and became were aware  
18 of DECEDENT's deteriorating physical condition, DOE OFFICERS DEFENDANTS  
19 waited several minutes before summoning paramedics to render medical care, and  
20 further delayed paramedics' ability to render medical care once they arrived.

21 29.34. On information and belief, at the time DECEDENT was fatally shot,  
22 DECEDENT was unarmed not armed with a gun. Further, based on information and  
23 belief, at the time of the shooting, DECEDENT was sufficiently far away from any  
24 other person such that he was not in striking distance of any other person.

25 30.35. At the time of the shooting DECEDENT DEFENDANTS' uses of deadly  
26 and less-lethal force, DECEDENT posed no immediate threat of injury, including death  
27 or serious physical injury, to DOE OFFICERS DEFENDANTS, or any other person,  
28 because, on information and belief, DECEDENT was running away and was



1 ~~unarmed~~not carrying a gun, and was a safe distance away from all other individuals  
2 ~~who were present at the scene.~~

3 ~~31.36.~~On information and belief, DECEDENT never verbally threatened anyone  
4 ~~prior to being fatally shot~~in the moments before deadly and less-lethal force was used  
5 by ~~DOE OFFICERS~~NICHOLS, REZA, RINCON, WHEELER, and DOE OFFICERS.

6 ~~32.37.~~On information and belief, ~~DOE OFFICERS~~NICHOLS, REZA,  
7 ~~RINCON, WHEELER, and DOE OFFICERS~~ did not give DECEDENT a verbal  
8 warning that ~~less-lethal or~~ deadly force would be used prior to ~~shooting using deadly~~  
9 ~~and less-lethal force against~~ DECEDENT, despite it being feasible to do so, and ~~DOE~~  
10 ~~OFFICERS~~NICHOLS, REZA, RINCON, WHEELER, and DOE OFFICERS did not  
11 issue appropriate commands to DECEDENT.

12 ~~33.38.~~Despite DECEDENT's erratic behavior indicating that DECEDENT was  
13 experiencing a mental health crisis, ~~DOE~~NICHOLS, REZA, RINCON, WHEELER,  
14 ~~and DOE OFFICERS~~ ~~OFFICERS~~ did not investigate whether DECEDENT was in fact  
15 having a mental health crisis, including by summoning any specialized mental health  
16 units or teams that were available at the time.

17 ~~34.39.~~On information and belief, ~~DOE OFFICERS~~NICHOLS, REZA,  
18 ~~RINCON, WHEELER, and DOE OFFICERS~~ did not properly assess the situation  
19 regarding DECEDENT's mental state; did not employ adequate tactics to de-escalate  
20 the situation; did not give DECEDENT sufficient time to comprehend the presence of  
21 ~~DOE OFFICERS~~NICHOLS, REZA, RINCON, WHEELER, and DOE OFFICERS at  
22 his home; did not develop a tactical plan regarding DECEDENT's mental state; did not  
23 speak to DECEDENT in a sensitive and non-threatening manner; and did not give  
24 DECEDENT ~~the~~an adequate opportunity to cooperate with instructions.

25 ~~35.40.~~On information and belief, DECEDENT did not lunge toward ~~DOE~~  
26 ~~OFFICERS~~NICHOLS, REZA, RINCON, WHEELER, or DOE OFFICERS;  
27 DECEDENT did not move toward ~~DOE OFFICERS~~NICHOLS, REZA, RINCON,  
28 ~~WHEELER, or DOE OFFICERS~~; and DECEDENT did not step forward toward ~~DOE~~

1 OFFICERSNICHOLS, REZA, RINCON, WHEELER, or DOE OFFICERS.

2 36.41. On information and belief, DOE OFFICERSNICHOLS, REZA,  
3 RINCON, WHEELER, and DOE OFFICERS did not employ tactics to de-escalate the  
4 situation; failed to give DECEDENT time and space to understand and accept the  
5 presence of DOE OFFICERSNICHOLS, REZA, RINCON, WHEELER, and DOE  
6 OFFICERS; failed to approach and speak to DECEDENT in a non-threatening manner;  
7 and failed to give DECEDENT the opportunity to consent to and cooperate with any  
8 instruction DOE OFFICERSNICHOLS, REZA, RINCON, WHEELER, and DOE  
9 OFFICERS provided.

10 37.42. On information and belief, DOE OFFICERSNICHOLS, REZA,  
11 RINCON, WHEELER, and DOE OFFICERS were capable of neutralizing and/or  
12 effectuating the seizure of DECEDENT using any of a variety of readily available less-  
13 than-lethal means or strategies. The force used by DOE OFFICERSNICHOLS, REZA,  
14 RINCON, WHEELER, and DOE OFFICERS was unnecessary, excessive, and  
15 unreasonable under the totality of the circumstances.

16 38.43. DOE OFFICERSNICHOLS, REZA, RINCON, WHEELER, and DOE  
17 OFFICERS fatally shot DECEDENT even though he did not pose an immediate threat  
18 of death or serious bodily injury to the officers or anyone else at the time they fired and  
19 even though there were other less lethal options available. DOE OFFICERSNICHOLS,  
20 REZA, RINCON, WHEELER, and DOE OFFICERS did not show reverence for  
21 human life. DOE OFFICERSNICHOLS, REZA, RINCON, WHEELER, and DOE  
22 OFFICERS are responsible for every single shot they fired and this was not an  
23 immediate defense of life situation.

24 39.44. On information and belief, DECEDENT did not have a firearm and never  
25 pointed a firearm at Defendants DOE OFFICERSNICHOLS, REZA, RINCON,  
26 WHEELER, and DOE OFFICERS, or anyone else, prior to being fatally shot.

27 40.45. Plaintiff D.S. is DECEDENT's successor-in-interest as defined in Section  
28 377.11 of the California Code of Civil Procedure and succeeds to DECEDENT's interest

1 in this action as the natural child of DECEDENT.

2 41.46. Plaintiff C.S. is DECEDENT's successor-in-interest as defined in Section  
3 377.11 of the California Code of Civil Procedure and succeeds to DECEDENT's interest  
4 in this action as the natural child of DECEDENT.

5 42.47. Plaintiff J.S. is DECEDENT's successor-in-interest as defined in Section  
6 377.11 of the California Code of Civil Procedure and succeeds to DECEDENT's interest  
7 in this action as the natural child of DECEDENT.

8 43.48. Plaintiff M.S. is DECEDENT's successor-in-interest as defined in Section  
9 377.11 of the California Code of Civil Procedure and succeeds to DECEDENT's interest  
10 in this action as the natural child of DECEDENT.

11 **FIRST CLAIM FOR RELIEF**

12 **Fourth Amendment — Excessive Force (42 U.S.C. § 1983)**

13 (By All Plaintiffs against Defendants NICHOLS, REZA, RINCON, WHEELER, and  
14 DOE OFFICERS)

15 44.49. Plaintiffs repeat and reallege each and every allegation in the foregoing  
16 paragraphs of this Complaint with the same force and effect as if fully set forth herein.

17 45.50. Defendants NICHOLS, REZA, RINCON, WHEELER, and DOE  
18 OFFICERS used excessive force against DECEDENT when they shot him several  
19 times with their firearms and with less-lethal weapons. Defendants NICHOLS, REZA,  
20 RINCON, WHEELER, and DOE OFFICERS' unjustified use of force deprived  
21 DECEDENT of his right to be secure in his person against unreasonable searches and  
22 seizures as guaranteed to DECEDENT under the Fourth Amendment to the United  
23 States Constitution and applied to state actors by the Fourteenth Amendment.

24 46.51. The shooting was excessive and unreasonable, and DECEDENT posed no  
25 immediate threat of death or serious bodily injury to anyone at the time of the shooting.  
26 Further, Defendants NICHOLS, REZA, RINCON, WHEELER, and DOE OFFICERS'  
27 shooting and use of force violated their training and standard police officer training.

28 47.52. As a result of NICHOLS, REZA, RINCON, WHEELER and DOE

1 OFFICERS' unjustified use of force against DECEDENT, DECEDENT suffered  
2 extreme pain and suffering and emotional distress up to the time of his death, loss of  
3 enjoyment of life, loss of life, and loss of earning capacity. Plaintiffs have also been  
4 deprived of the life-long love, companionship, comfort, support, society, care, and  
5 sustenance of DECEDENT, and will continue to be so deprived for the remainder of  
6 their natural lives.

7 ~~48.53.~~ As a result of the conduct of Defendants NICHOLS, REZA, RINCON,  
8 WHEELER, and DOE OFFICERS, they are liable for DECEDENT's injuries, either  
9 because they were integral participants in the use of excessive force, and/or because  
10 they failed to intervene to prevent these violations.

11 ~~49.54.~~ The conduct of Defendants NICHOLS, REZA, RINCON, WHEELER,  
12 and DOE OFFICERS was willful, wanton, malicious, and done with reckless disregard  
13 for the rights and safety of DECEDENT and therefore warrants the imposition of  
14 exemplary and punitive damages as to Defendants NICHOLS, REZA, RINCON,  
15 WHEELER, and DOE OFFICERS.

16 ~~50.55.~~ As a direct and proximate result of the wrongful death of DECEDENT,  
17 Plaintiffs suffered the loss of love, companionship, comfort, care, assistance,  
18 protection, affection, society, financial support, moral support, and guidance of  
19 DECEDENT. Accordingly, Defendants NICHOLS, REZA, RINCON, WHEELER,  
20 and DOE OFFICERS are liable to Plaintiffs for wrongful death damages under 42  
21 U.S.C. § 1983.

22 ~~51.56.~~ Plaintiffs also bring this claim as successors-in-interest to DECEDENT  
23 and seek survival damages, including pre-death pain and suffering, emotional distress,  
24 loss of life, and loss of enjoyment of life, for the violation of DECEDENT's rights.  
25 Plaintiffs also seek wrongful death damages.

26 ~~52.~~ 57. Plaintiffs also seek attorney's fees and costs under this claim.

27 ~~52.~~

28 **SECOND CLAIM FOR RELIEF**

**Fourth Amendment — Denial of Medical Care (42 U.S.C. § 1983)**

(By All Plaintiffs against Defendants NICHOLS, REZA, RINCON, WHEELER, and  
DOE OFFICERS)

53-58. Plaintiffs repeat and reallege each and every allegation in the foregoing paragraphs of this Complaint with the same force and effect as if fully set forth herein.

54-59. The denial of medical care by Defendants NICHOLS, REZA, RINCON, WHEELER, and DOE OFFICERS deprived DECEDENT of his right to be secure in his persons against unreasonable searches and seizures as guaranteed to DECEDENT under the Fourth Amendment to the United States Constitution and applied to state actors by the Fourteenth Amendment.

55-60. After the ~~shooting~~use of deadly and less-lethal force by NICHOLS, REZA, RINCON, WHEELER, and DOE OFFICERS, DECEDENT had obvious injuries and was bleeding profusely. Nevertheless, Defendants NICHOLS, REZA, RINCON, WHEELER, and DOE OFFICERS failed to provide needed medical care to DECEDENT, failed to timely summon needed medical care for DECEDENT, prevented medical care personnel from timely treating DECEDENT, and refused to permit medical care personnel to access and care for DECEDENT at the scene for an appreciable time after the incident.

56-61. As a result, DECEDENT suffered extreme mental and physical pain and suffering up to the time of his death, loss of enjoyment of life, loss of life, and loss of earning capacity.

57-62. Defendants NICHOLS, REZA, RINCON, WHEELER, and DOE OFFICERS knew that failure to provide timely medical treatment to DECEDENT could result in further significant injury, the unnecessary and wanton infliction of pain, or death, but disregarded that serious medical need, causing DECEDENT great bodily harm and death.

58-63. The conduct of Defendants NICHOLS, REZA, RINCON, WHEELER, and DOE OFFICERS was willful, wanton, malicious, and done with reckless disregard

1 for the rights and safety of DECEDENT and therefore warrants the imposition of  
2 exemplary and punitive damages as to Defendants NICHOLS, REZA, RINCON,  
3 WHEELER, and DOE OFFICERS.

4 59.64. As a result of the conduct of Defendants NICHOLS, REZA, RINCON,  
5 WHEELER, and DOE OFFICERS, they are liable for DECEDENT's injuries, either  
6 because they were integral participants in the denial of medical care, and/or because  
7 they failed to intervene to prevent these violations.

8 60.65. As a direct and proximate result of the wrongful death of DECEDENT,  
9 Plaintiffs suffered the loss of love, companionship, comfort, care, assistance,  
10 protection, affection, society, financial support, moral support, and guidance of  
11 DECEDENT, and will continue to be so deprived for the remainder of their natural  
12 lives. Accordingly, Defendants NICHOLS, REZA, RINCON, WHEELER, and DOE  
13 OFFICERS are liable to Plaintiffs for wrongful death damages under 42 U.S.C. § 1983.

14 61.66. Plaintiffs also bring this claim as successors-in-interest to DECEDENT  
15 and seek survival damages, including pre-death pain and suffering, emotional distress,  
16 loss of life, and loss of enjoyment of life, for the violation of DECEDENT's rights.

17 62.67. Plaintiffs also seek attorney's fees and costs under this claim.

### 18 **THIRD CLAIM FOR RELIEF**

#### 19 **Fourteenth Amendment — Interference with Familial Relations**

20 **(42 U.S.C. § 1983)**

21 (By All Plaintiffs against Defendants NICHOLS, REZA, RINCON, WHEELER, and  
22 DOE OFFICERS)

23 63.68. Plaintiffs repeat and reallege each and every allegation in the foregoing  
24 paragraphs of this Complaint with the same force and effect as if fully set forth herein.

25 64.69. D.S. had a cognizable interest under the Due Process Clause of the  
26 Fourteenth Amendment of the United States Constitution to be free from state actions  
27 that deprive him of life, liberty, or property in such a manner as to shock the  
28 conscience, including but not limited to unwarranted state interference in D.S.'s



1 familial relationship with his father, DECEDENT.

2 65.70. C.S. had a cognizable interest under the Due Process Clause of the  
3 Fourteenth Amendment of the United States Constitution to be free from state actions  
4 that deprive him of life, liberty, or property in such a manner as to shock the  
5 conscience, including but not limited to unwarranted state interference in C.S.'s  
6 familial relationship with his father, DECEDENT.

7 66.71. J.S. had a cognizable interest under the Due Process Clause of the  
8 Fourteenth Amendment of the United States Constitution to be free from state actions  
9 that deprive her of life, liberty, or property in such a manner as to shock the conscience,  
10 including but not limited to unwarranted state interference in J.S.'s familial relationship  
11 with her father, DECEDENT.

12 67.72. M.S. had a cognizable interest under the Due Process Clause of the  
13 Fourteenth Amendment of the United States Constitution to be free from state actions  
14 that deprive her of life, liberty, or property in such a manner as to shock the conscience,  
15 including but not limited to unwarranted state interference in M.S.'s familial  
16 relationship with her father, DECEDENT.

17 68.73. The aforementioned actions of NICHOLS, REZA, RINCON,  
18 WHEELER, and DOE OFFICERS, along with other undiscovered conduct, shock the  
19 conscience, in that NICHOLS, REZA, RINCON, WHEELER, and DOE OFFICERS  
20 acted with deliberate indifference to the constitutional rights of Plaintiffs, and with  
21 purpose to harm unrelated to any legitimate law enforcement objective.

22 69.74. As a direct and proximate result of the acts of NICHOLS, REZA,  
23 RINCON, WHEELER, and DOE OFFICERS, DECEDENT experienced pain and  
24 suffering and eventually died. Defendants NICHOLS, REZA, RINCON, WHEELER,  
25 and DOE OFFICERS thus violated the substantive due process rights of Plaintiffs to  
26 be free from unwarranted interference with their familial relationship with  
27 DECEDENT.

28 70.75. As a direct and proximate cause of the acts of NICHOLS, REZA,



1 RINCON, WHEELER, and DOE OFFICERS, Plaintiffs suffered extreme and severe  
2 emotional distress, mental anguish, and pain. Plaintiffs have also been deprived of the  
3 life-long love, companionship, comfort, support, society, care, and sustenance of  
4 DECEDENT, and will continue to be so deprived for the remainder of their natural  
5 lives.

6 ~~74.76.~~ The conduct of NICHOLS, REZA, RINCON, WHEELER, and DOE  
7 OFFICERS was willful, wanton, malicious, and done with reckless disregard for the  
8 rights and safety of DECEDENT and therefore warrants the imposition of exemplary  
9 and punitive damages as to Defendants NICHOLS, REZA, RINCON, WHEELER,  
10 and DOE OFFICERS.

11 ~~72.77.~~ Plaintiff D.S. brings this claim individually for the interference with his  
12 relationship with his father DECEDENT and seeks wrongful death damages for the  
13 violation of Plaintiff D.S.'s rights.

14 ~~73.78.~~ Plaintiff C.S. brings this claim individually for the interference with his  
15 relationship with his father DECEDENT and seeks wrongful death damages for the  
16 violation of Plaintiff C.S.'s rights.

17 ~~74.79.~~ Plaintiff J.S. brings this claim individually for the interference with her  
18 relationship with her father DECEDENT and seeks wrongful death damages for the  
19 violation of Plaintiff J.S.'s rights.

20 ~~75.80.~~ Plaintiff M.S. brings this claim individually for the interference with her  
21 relationship with her father DECEDENT and seeks wrongful death damages for the  
22 violation of Plaintiff M.S.'s rights.

23 ~~76.81.~~ Plaintiffs also seek attorney's fees under this claim.

24 **FOURTH CLAIM FOR RELIEF**

25 **Battery (Cal. Govt. Code § 820 and California Common Law)**

26 **(Wrongful Death/Survival)**

27 **(By all Plaintiffs against all Defendants)**

1           71. Plaintiffs repeat and reallege each and every allegation in the foregoing  
2 paragraphs of this Complaint with the same force and effect as if fully set forth herein.

3           72. Defendants NICHOLS, REZA, RINCON, WHEELER, and DOE  
4 OFFICERS, while working as police officers for the CITY Police Department, and  
5 acting within the course and scope of their duties, intentionally shot DECEDENT  
6 several times with lethal and less-lethal weapons and used unreasonable and excessive  
7 force against him. Defendants NICHOLS, REZA, RINCON, WHEELER, and DOE  
8 OFFICERS had no legal justification for using ~~force or deadly~~ deadly and less-lethal  
9 force against DECEDENT, and their use of force while carrying out their duties as  
10 police officers was an unreasonable and non-privileged use of force.

11           73. As a direct and proximate result of the actions of Defendants NICHOLS,  
12 REZA, RINCON, WHEELER, and DOE OFFICERS as alleged above, DECEDENT  
13 sustained injuries and experienced extreme mental and physical pain and suffering,  
14 loss of enjoyment of life, and ultimately died from his injuries and lost earning  
15 capacity.

16           74. CITY is vicariously liable for the wrongful acts of NICHOLS, REZA,  
17 RINCON, WHEELER, and DOE OFFICERS pursuant to section 815.2(a) of the  
18 California Government Code, which provides that a public entity is liable for the  
19 injuries caused by its employees within the scope of the employment if the employee's  
20 act would subject him or her to liability.

21           75. The conduct of Defendants NICHOLS, REZA, RINCON, WHEELER,  
22 and DOE OFFICERS was malicious, wanton, oppressive, and accomplished with a  
23 conscious disregard for the rights of DECEDENT, entitling Plaintiffs, as successors-  
24 in-interest to DECEDENT, to an award of exemplary and punitive damages as to  
25 Defendants NICHOLS, REZA, RINCON, WHEELER, and DOE OFFICERS.

26           76. Plaintiff D.S. brings this claim individually and as successor-in-interest  
27 to DECEDENT. Plaintiff D.S. seeks survival damages, including pain and suffering,  
28 and wrongful death damages under this claim.



- c. The negligent use of force, including deadly force, against DECEDENT;
- d. The failure to promptly provide or summon medical care to DECEDENT;
- e. The failure to give a verbal warning or any kind of command prior to shooting;
- f. The negligent handling of evidence and witnesses; and
- g. The negligent communication of information during the incident.

83. As a direct and proximate result of Defendants NICHOLS, REZA, RINCON, WHEELER, and DOE OFFICERS' conduct as alleged above, and other undiscovered negligent conduct, DECEDENT was caused to suffer extreme mental and physical pain and suffering and ultimately died and lost earning capacity. Also as a direct and proximate result of Defendants' conduct as alleged above, Plaintiffs suffered extreme and severe mental anguish. Plaintiffs also have also been deprived of the life-long love, companionship, comfort, support, society, care, and sustenance of DECEDENT, and will continue to be so deprived for the remainder of their natural lives.

84. CITY is vicariously liable for the wrongful acts of NICHOLS, REZA, RINCON, WHEELER, and DOE OFFICERS pursuant to section 815.2(a) of the California Government Code, which provides that a public entity is liable for the injuries caused by its employees within the scope of the employment if the employee's act would subject him or her to liability.

85. Plaintiff D.S. brings this claim individually and as successor-in-interest to DECEDENT. Plaintiff D.S. seeks survival damages, including pain and suffering, and wrongful death damages under this claim.

86. Plaintiff C.S. brings this claim individually and as successor-in-interest to DECEDENT. Plaintiff C.S. seeks survival damages, including pain and suffering, and wrongful death damages under this claim.



1           94. On information and belief, DECEDENT reasonably believed and  
2 understood that the violent acts committed by Defendants NICHOLS, REZA,  
3 RINCON, WHEELER, and DOE OFFICERS were intended to discourage him from  
4 exercising the above civil rights, to retaliate against him for invoking such rights, or to  
5 prevent him from exercising such rights.

6           95. Defendants NICHOLS, REZA, RINCON, WHEELER, and DOE  
7 OFFICERS successfully interfered with the above civil rights of DECEDENT.

8           96. The conduct of Defendants NICHOLS, REZA, RINCON, WHEELER,  
9 and DOE OFFICERS was a substantial factor in causing DECEDENT's harms, losses,  
10 injuries, and damages.

11           97. CITY is vicariously liable for the wrongful acts of NICHOLS, REZA,  
12 RINCON, WHEELER, and DOE OFFICERS pursuant to section 815.2(a) of the  
13 California Government Code, which provides that a public entity is liable for the  
14 injuries caused by its employees within the scope of the employment if the employee's  
15 act would subject him or her to liability.

16           98. The conduct of DOE OFFICERS was malicious, wanton, oppressive, and  
17 accomplished with a conscious disregard for the rights of DECEDENT, entitling  
18 Plaintiffs to an award of exemplary and punitive damages as to Defendants NICHOLS,  
19 REZA, RINCON, WHEELER, and DOE OFFICERS.

20           99. Plaintiff D.S. brings this claim as successor-in-interest to DECEDENT  
21 and seeks survival damages, including emotional distress, loss of life, loss of  
22 enjoyment of life, and pain and suffering under this claim.

23           100. Plaintiff C.S. brings this claim as successor-in-interest to DECEDENT  
24 and seeks survival damages, including emotional distress, loss of life, loss of  
25 enjoyment of life, and pain and suffering under this claim.

26           101. Plaintiff J.S. brings this claim as successor-in-interest to DECEDENT  
27 and seeks survival damages, including emotional distress, loss of life, loss of  
28 enjoyment of life, and pain and suffering under this claim.

1           102. Plaintiff M.S. brings this claim as successor-in-interest to DECEDENT  
2 and seeks survival damages, including emotional distress, loss of life, loss of  
3 enjoyment of life, and pain and suffering under this claim.

4           103. Plaintiffs also seek treble damages, costs, and attorney's fees under this  
5 claim.

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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs D.S., a minor by and through his guardian *ad litem* Elsa Acosta, individually and as successor-in-interest to William Salgado; C.S., a minor by and through his guardian *ad litem* Elsa Acosta, individually and as successor-in-interest to William Salgado; J.S., a minor by and through her guardian *ad litem* Elsa Acosta, individually and as successor-in-interest to William Salgado; and M.S., a minor by and through her guardian *ad litem* Elsa Acosta, individually and as successor-in-interest to William Salgado, request entry of judgment in their favor and against Defendants CITY OF HUNTINGTON PARK, NICK NICHOLS, RENE REZA, MATTHEW RINCON, APRIL WHEELER, and DOES 15-10, inclusive, as follows:

- A. For compensatory damages, including both survival and wrongful death damages under federal and state law, in an amount to be proven at trial;
- B. For loss of financial support;
- C. For punitive damages against the individual defendants in an amount to be proven at trial;
- D. For statutory damages;
- E. For treble damages pursuant to California Civil Code Sections 52, 52.1;
- F. For interest;
- G. For reasonable attorney's fees, including litigation expenses;
- H. For costs of suit; and
- I. For such further other relief as the Court may deem just, proper, and appropriate.

DATED: ~~November 7, 2023~~ July 1, 2024  
GALIPO

LAW OFFICES OF DALE K.

By: /s/  
Dale K. Galipo  
Benjamin S. Levine  
*Attorneys for Plaintiffs*

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**DEMAND FOR JURY TRIAL**

The Plaintiffs named herein hereby demand a trial by jury.

DATED: ~~November 7, 2023~~July 1, 2024                      LAW OFFICES OF DALE K.  
GALIPO

By: /s/  
Dale K. Galipo  
Benjamin S. Levine  
*Attorneys for Plaintiffs*